

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO

NO. 17-BK-3283 (LTS)

As representative of

PROMESA TITLE III

THE COMMONWEALTH OF PUERTO RICO,
et al.,
Debtors.

(Jointly Administered)

**MOTION REQUESTING NOTIFICATION TO PLAINTIFFS' CLASS AND THEIR
COUNSEL IN THE CASE OF GLADYS GARCÍA RUBIERA OF "ORDER
APPROVING ASSUMPTION OF SETTLEMENT AGREEMENT WITH GARCÍA
RUBIERA CLASS PLAINTIFFS" ENTERED JUNE 29, 2021 (DKT. 17185) AND OF
"MEMORANDUM OPINION REGARDING MOTION" (DKT.17186)**

TO THE HONORABLE U.S. DISTRICT COURT JUDGE LAURA TAYLOR SWAIN:

COME NOW the certified Plaintiffs' Class in case Gladys García Rubiera, etc., v. Hon. Luis G. Fortuño, et al, Civil No. 02-1179 (GAG) represented by the undersigned counsel, and counsel themselves, and respectfully allege and pray as follows:

1. That in the present case, the Commonwealth of Puerto Rico filed a Motion pursuant to Bankruptcy Court §365 for entry of an order approving assumption of Settlement Agreements with the García Rubiera Class Plaintiffs (Dkt. Entry No. 15171, 11/17/2020).

2. Said motion was opposed to on November 25, 2020, by the Official Committee of Unsecured Creditors (Dkt. Entry No. 15275).

3. On December 2, 2020, the García Rubiera Class Plaintiffs filed their answer to the limited objection of the Official Committee of Unsecured Creditors (Dkt. Entry No. 15307).

4. On December 3, 2020, the Commonwealth replied also to the limited objection filed by

the Official Committee of Unsecured Creditors (Dkt. Entry No. 15325).

5. A hearing conducted telephonically was held on Wednesday, December 9, 2020, wherein the parties argued their respective positions.

6. On December 16, 2020, the Official Committee of Unsecured Creditors and the Commonwealth filed a joint report regarding the motion filed by the Commonwealth of Puerto Rico pursuant to Bankruptcy Court §365 for entry of an order approving assumption of Settlement Agreement with the García Rubiera Class Plaintiffs (Dkt. Entry 15457).

7. On June 29, 2021, the Honorable Court issued a Memorandum Opinion regarding the motion filed by the Commonwealth of Puerto Rico pursuant to Bankruptcy Court §365 for entry of an order approving assumption of Settlement Agreement with the García Rubiera Class Plaintiffs (Dkt. Entry 17186) and an Order approving said assumption (Dkt. Entry 17185).

8. Nevertheless, by omission, appearing García Rubiera Class counsel Antonio J. Amadeo Murga who is the main counsel in charge of defending the present proceedings was not notified of such Memorandum and Order.

9. Plaintiffs' Class counsel Antonio J. Amadeo Murga became aware of the Order and Memorandum when attorney for the Commonwealth Rahyxa Y. Miranda Grajales wrote to subscribing attorney requiring certain information to pay certain attorney's fees. Said communication occurred July 19, 2021, by email at 11:42 a.m. Subscribing attorney by email July 20, 2021, asked attorney Miranda what certain attorney's fees she was referring to. That same day, by email, attorney Miranda Grajales replied including Order and Memorandum of the Honorable Court of June 29, 2021.

10. There is no reason why this failure of notification occurred as attorney for the García Rubiera Class Plaintiffs Antonio J. Amadeo Murga was part of the litigation and specifically of

the proceedings pertaining to the motion filed by the Commonwealth requesting the assumption, and the García Rubiera Class Plaintiffs through Antonio J. Amadeo Murga had filed their objection to the Official Committee of Unsecured Creditors' objection of said assumption. He had also received prior orders including the denial of the lift of stay of April 6, 2018 (Dkt. No. 2434).

11. Subscribing counsel Antonio J. Amadeo Murga has communicated with counsel Mario M. Oronoz who has neither received any notice of said Order and Memorandum of June 29, 2021.

12. Attorney Francisco Colón Ramírez has also informed subscribing counsel that he has been unable to find in his document any such memorandum and order.

13. The failure to notify said order has prejudiced the García Rubiera Class Plaintiffs and counsel Antonio J. Amadeo Murga in denying them the right to timely file any subsequent motions or request for remedies within the terms provided by the Bankruptcy Rules of Civil Procedure, including a timely motion for attorney's fees, and to be aware of the developments of the present litigation.

WHEREFORE, it is respectfully requested to the Clerk of the Court to notify by email the Order and Memorandum entered on June 29, 2021 (Dkts. Nos. 17185 and 17186) as well as any subsequent orders issued by the Honorable Court, and that the García Rubiera Class be notified of the pertinent proceedings in the case.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE

I hereby certify that, on July 27, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and parties in the Master Service List.

In San Juan, Puerto Rico, July 27, 2021.

s/Antonio J. Amadeo Murga
USDC-PR No. 110103
A.J. AMADEO MURGA LAW OFFICES
605 Condado, Ave.
Suite 518
San Juan, PR 00907
Tel. (787)764-0893
ajamadeo@gmail.com

Mario M. Oronoz Rodríguez
USDC-PR No. 120606
ORONoz & ORONoz
Urb. Torrimar, K-4 Bambú St.
Guaynabo, PR 00966-3109
Tel. (787)294-5255
mmo@oronozlaw.com

Francisco Colón Ramírez
USDC-PR No. 210510
COLÓN RAMÍREZ, LLC
1225 Ponce de León Ave.
VIG Tower Suite 1503
San Juan, PR 00907
Tel. (939)389-6062
fecolon@colonramirez.com